

Order

Michigan Supreme Court
Lansing, Michigan

October 24, 2008

Clifford W. Taylor,
Chief Justice

136802

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman,
Justices

LITITIA BOND, Personal Representative of
the Estate of NORMA JEAN BLOCKER,
Deceased,

Plaintiff-Appellee,

and

BLUE CROSS BLUE SHIELD OF MICHIGAN,
Intervening Plaintiff,

v

SC: 136802
COA: 273315
Oakland CC: 2005-066794-NH

ADAM COOPER, M.D., KRISTEN McDANIEL,
D.O., and BOTSFORD GENERAL HOSPITAL,
Defendants-Appellants.

On order of the Court, the application for leave to appeal the May 22, 2008 judgment of the Court of Appeals is considered and, pursuant to MCR 7.302(G)(1), in lieu of granting leave to appeal, we VACATE the judgment of the Court of Appeals and we REMAND this case to the Court of Appeals for consideration of the sufficiency of the plaintiff's notice of intent to file suit under MCL 600.2912b(4) and *Boodt v Borgess Medical Center*, 481 Mich 558 (2008).

CAVANAGH and WEAVER, JJ., are not persuaded that the case should be remanded for further proceedings, but they would grant leave to appeal to reconsider *Boodt, supra*.

KELLY, J., would deny leave to appeal.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

October 24, 2008

Corbin R. Davis

Clerk